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EXAMINER	
TIMBLIN, ROBERT M	
ART UNIT	PAPER NUMBER
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,449	YOUNG ET AL.	
	Examiner	Art Unit	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *35* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action corresponds to application 10/824,449 filed 4/14/2004. Claims 1-34 are pending prosecution in this application.

Response to Election/Restriction

Group I, Claims 1-34 drawn to discovering pertinent inputs in a repository classified in class 707 subclass 3, have been provisionally elected by Applicant. Accordingly claims 1-34 are pending prosecution. As such, claim 35 has been withdrawn from consideration.

Claim Objections

The following claims are objected to because of the following informalities:

Claims 4-6 should read, "...searches, discovers, and retrieves..." as to improve the flow and clarity of these limitations. Claim 4 should also read, a customizable agent to avoid lack of antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17, similar claim 34 and their dependent claims are rejected under 35 U.S.C. 101 because they are interpreted as being machine-oriented claims without

explicitly defining the use of computer hardware. Without the use of computer hardware, these claims merely describe functional descriptive material and can be construed as being directed to software *per se*. Software *per se* may become statutory when implemented with a computer component to impart its functionality.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 15-19, 30 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Tafoya (U.S. Patent Application 2003/0130974 A1).

With respect to claim 1, Tafoya teaches a method for maintaining a dynamic reference repository, comprising:

discovering pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010);

retrieving the pertinent input(s) (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information, or retrieving, is disclosed) to the dynamic reference repository (knowledge database; abstract and 0010);

managing the pertinent input(s) to the dynamic reference repository (steps 3-5 of figure 5); and

distributing the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

With respect to claim 2, Tafoya teaches the method of claim 1, that further comprises cataloging the pertinent input(s) to the dynamic reference repository (step 4 of figure 5).

With respect to claim 3, Tafoya teaches the method of claim 1, that further comprises maintaining the pertinent input(s) to the dynamic reference repository (steps 3-5 which describe the preparation of the information collected).

With respect to claim 15, Tafoya teaches the method of claim 1, wherein the dynamic reference repository comprises at least one database (step 22 of figure 1B and step 7 of figure 5).

With respect to claim 16, Tafoya teaches the method of claim 1, wherein discovering the pertinent input(s) further comprises time stamping discovery (date field data of figure 12 and 0047).

With respect to claim 17, Tafoya teaches a dynamic reference repository that comprises:

at least one database (knowledge database and figures 1A-1b);

at least one resource (0034, 0048 and figure 5) operable coupled to the dynamic reference repository; and

a processing module operable coupled to the at least one database operable to execute a set of instructions (0062) to:

identify pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010) within the at least one resource (0034, 0048 and figure 5);

retrieve the pertinent input(s) (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information is disclosed) to the dynamic reference repository (knowledge database; abstract and 0010) from the at least one resource (0034, 0048 and figure 5);

manage the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5); and

distribute the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

With respect to claim 18, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to catalog the pertinent input(s) to the dynamic reference repository (step 4 of figure 5).

With respect to claim 19, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to maintain the pertinent input(s) to the dynamic reference repository (steps 3-5 which describe the preparation of the information collected).

With respect to claim 30, Tafoya teaches the dynamic reference repository of claim 17, wherein the processing module is further operable to time stamp the pertinent input(s) (date field in figure 12).

With respect to claim 34, Tafoya teaches an enterprise architecture having a dynamic reference repository that comprises:

at least one database (figure 1A step 40 and figure 5 step 7);

at least one resource operable coupled to the dynamic reference repository (0034, 0048 and figure 5); and

a processing module operable coupled to the at least one database operable to execute a set of instructions to:

identify pertinent input(s) to the dynamic reference repository within the at least one resource;

retrieve the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) from the at least one resource (0034, 0048 and figure 5);

manage the pertinent input(s) to the dynamic reference repository (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5); and

distribute the pertinent input(s) to update (0010, step 7 of figure 5, step 22 of figure 1B) the dynamic reference repository (knowledge database; abstract and 0010).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-7, 10-11, 12, 13, 20-23, 29, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tafoya as applied to claims 1-3, 15-19, 30 and 34 above in view of Yanagihara et al ('Yanagihara' hereafter) (U.S. Patent 6,161,102).

With respect to claim 4, Tafoya fails to teach a customizable agent.

Yanagihara, however, teaches a customizable agent (col. 10, line 44-62) for providing search results to a user and providing accurate retrieval of information (Yanagihara at col. 3, line 15-20).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 5, Tafoya teaches the method of claim 4, wherein the customizable agent searches discover and retrieve the pertinent input(s) from Internet or intranet resources (0034, 0053 and figure 1).

With respect to claim 6, Tafoya teaches the method of claim 4, wherein the customizable agent searches discover and retrieve the pertinent input(s) from subject matter experts (SMEs) (abstract, 0011, and 0046).

With respect to claim 7, Tafoya teaches the method of claim 6, utilities to conduct SME reviews, assessments or interviews (0047 and figure 11).

With respect to claim 10, Tafoya fails to expressly teach the customizable agent searches are developed using a graphical user interface (GUI) that interfaces with the dynamic reference repository.

Yanagihara, however, teaches the customizable agent searches are developed using a graphical user interface (GUI) that interfaces with the dynamic reference repository (figures 4A, 5, and 7B) for customizing the search agent (col. 10, line 44-62).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 11, this claim is essentially rejected for the same rationale as claims 10 and 22 above. Furthermore, Yanagihara discloses at least developing customizable agent searches (figures 4A, 5, and 7B).

With respect to claim 12, Tafoya fails to expressly teach running periodic and/or prioritized customizable agent searches of reference material(s).

Yanagihara, however, discloses running periodic and/or prioritized customizable agent searches of reference material(s) (at least in col. 9, line 15-20 and figure 7B) for periodically reporting results. Yanagihara also suggests prioritized customizable agent searches (513 of figure 5) to schedule a search to find new or modified content for an accurate method of finding information.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to

combine the teachings of the cited references because Yanagihara's system would have given Tafoya's system the ability to schedule a search to find new or modified content for an accurate method of finding information.

With respect to claim 13, Tafoya-Aaron fail to expressly teach the customizable agent searches are neutral to data type.

Yanagihara, however, teaches the customizable agent searches are neutral to data type (col. 8, line 14-16) for finding different types of documents.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya a versatile system of finding documents of different types.

With respect to claim 20, Tafoya fails to teach a customizable agent.

Yanagihara, however, teaches a customizable agent (col. 10, line 44-62) for providing search results to a user and providing accurate retrieval of information (Yanagihara at col. 3, line 15-20).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 21, Tafoya teaches the dynamic reference repository of claim 20, wherein the at least one resource comprises Internet, intranet, and/or subject matter experts (SMEs) resources (abstract, 0011, and 0046).

With respect to claim 22, Tafoya fails to expressly teach a user interface allows users to manage the customizable agent(s).

Yanagihara, however, teaches a user interface allows users to manage the customizable agent(s) (figures 4A, 5, and 7B) for a user friendly way of defining search requests for accurately finding information.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 23, Tafoya teaches the dynamic reference repository of claim 20, wherein the customizable agent searches further comprise utilities to conduct SME reviews, assessments or interviews (0047 and figure 11).

With respect to claim 29, Tafoya fails to expressly teach executing periodic and/or prioritized searches of reference materials (s) within the at least on resource.

Yanagihara, however, discloses executing periodic and/or prioritized customizable agent searches of reference material(s) (at least in col. 9, line 15-20 and figure 7B) for periodically reporting results. Yanagihara also suggests prioritized customizable agent searches (513 of figure 5) to schedule a search to find new or modified content for an accurate method of finding information.

In the same field of endeavor; (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya's system the ability to schedule a search to find new or modified content for an accurate method of finding information.

With respect to claim 31, Tafoya teaches a method for populating a dynamic reference repository, comprising:

discovering pertinent input(s) (0004, 0046-0047 and step 40 of figure 1A, and step 2 GENERATE THE INFORMATION of figure 5) to the dynamic reference repository (knowledge database; abstract and 0010);

retrieving the pertinent input(s) to the dynamic reference repository (0047, 0049 and step 2 GENERATE THE INFORMATION of figure 5. Therein, collecting information, or retrieving, is disclosed), wherein customizable agent(s) search for

discover and retrieve the pertinent input(s) to the dynamic reference repository from Internet or intranet accessible resources (0034, 0053 and figure 1);

managing the pertinent input(s) to the dynamic reference repository (steps 3-5 of figure 5);

cataloging the pertinent input(s) to the dynamic reference repository (step 4 of figure 5); and

distributing the pertinent input(s) to populate the dynamic reference repository (0010, step 7 of figure 5, step 22 of figure 1B).

Tafoya fails to teach customizable agent(s) search for discover and retrieve.

Yanagihara, however, teaches customizable agent(s) search for discover and retrieve (col. 10, line 44-62) for providing search results to a user.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya-Aaron's system with a search agent for the accurate retrieval of information (Yanagihara at col. 3, line 15-20).

With respect to claim 32, Tafoya teaches wherein customizable agent(s) search for, discover, and retrieve the pertinent input(s) from subject matter experts (SMEs), and wherein the customizable agent(s) further comprise utilities to conduct SME reviews, assessments or interviews (0047 and figure 11). Yanagihara teaches the customizable agent(s) as applied to claim 31 above.

Claims 8, 9, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tafoya as applied to claims 1-3, 15-19, 30 and 34 above in view of Aaron (U.S. Patent Application 2005/0015382 A1).

With respect to claim 8, Tafoya fails to teach the method of claim 1, wherein pertinent input(s) are contained in communications addressed to the dynamic reference repository.

Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for efficiently submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya's system with efficiently communicating data to the database. Furthermore, Aaron's system would give Tafoya's system input information in various formats (0052, and approximately lines 16-25 of 0053).

With respect to claim 9, Tafoya fails to teach teaches the method of claim 8, wherein the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository.

Aaron, however teaches the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository as submitting information in various formats including email (0052) for efficiently submitting

information to a database. The motivation for combining these references is the same as applied to claim 8.

With respect to claim 24, Tafoya fails to teach pertinent input(s) are contained in communications addressed to the dynamic reference repository.

Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for efficiently submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya's system with efficiently communicating data to the database. Furthermore, Aaron's system would give Tafoya's system input information in various formats (0052, and approximately lines 16-25 of 0053).

With respect to claim 25, Tafoya fails to teach teaches the method of claim 8, wherein the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository.

Aaron, however teaches the communications addressed to the dynamic reference repository are e-mails addressed to the dynamic reference repository as submitting information in various formats including email (0052) for efficiently submitting information to a database. The motivation for combining these references is the same as applied to claim 8.

Claims 14, 26-28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tafoya and Yanagihara ('Tafoya-Yanagihara' hereafter) as applied to claims 4-7, 10-11, 12, 13, 20-23, 29, and 31-32 above, and further in view of Aaron.

With respect to claim 14, Tafoya-Yanagihara fails to expressly teach wherein the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms.

Aaron, however, teaches the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms (0041, 0052 at approximately lines 8-15, and 0053 at approximately lines 16-24) for identifying input of different types and the capability to receive input in an acceptable format.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Aaron's system would have given Tafoya-Yanagihara's invention the capability to receive input in an acceptable format (Aaron at 0041).

With respect to claim 26, Tafoya fails to teach the interface allows a user to develop, customize, and/or manage the customizable agent(s).

Yanagihara, however, teaches the interface allows a user to develop, customize, and/or manage the customizable agent(s) (figures 4A, 5, and 7B) for customizing the search agent (col. 10, line 44-62).

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's teachings would have provided Tafoya's system with a user friendly way of defining search requests for accurately finding information.

With respect to claim 27, Tafoya fails to expressly teach the customizable agent searches are neutral to data type.

Yanagihara, however, teaches the customizable agent searches are neutral to data type (col. 8, line 14-16) for finding different types of documents.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Yanagihara's system would have given Tafoya a versatile system of finding documents of different types (Yanagihara at col. 8 line 14-15).

With respect to claim 28, Tafoya-Yanagihara fails to expressly teach wherein the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms.

Aaron, however, teaches the data type comprises electronic forms that further comprise MS Office, web document, and e-mail document compatible forms (0041, 0052 at approximately lines 8-15, and 0053 at approximately lines 16-24) for identifying input of different types and the capability to receive input in an acceptable format.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Aaron's system would have given Tafoya-Yanagihara's invention the capability to receive input in an acceptable format (Aaron at 0041).

With respect to claim 33, Tafoya-Yanagihara fail to expressly wherein pertinent input(s) are contained in electronic communications addressed to the dynamic reference repository.

Aaron, however, teaches wherein pertinent input(s) are contained in electronic communications addressed to the dynamic reference repository Aaron, however, teaches communications addressed to the dynamic reference repository (0052) for submitting information to a database.

In the same field of endeavor, (i.e. data processing), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this teaching of Aaron would have provided Tafoya-Yanagihara's system with efficiently communicating data to the

database. Furthermore, Aaron's system would give Tafoya-Yanagihara's system input information in various formats (0052, and approximately lines 16-25 of 0053).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M. Timblin
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2/1/2007

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